

## **EXHIBIT A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/027,073 Confirmation No. 9825  
Applicant : William C. Dengler  
Filed: : December 20, 2001  
Title: : INTERNET-BASED INTEGRATED HEALTHCARE  
DELIVERY SYSTEM AND PROCESS  
TC/A.U. : 3626  
Examiner : C. Bleck  
  
Docket No. : 2824/1  
Customer No. : 23638

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER RULE 1.132**

Sir:

I, Chalmers M. Nunn, Jr., MD, hereby declare that:

1. I am the Senior Vice President and Chief Medical Officer of Centra Health's Heartburn Treatment Center of Virginia, located at 3300 Rivermont Avenue, Lynchburg, VA 24503 (hereinafter "Heartburn Treatment Center"). The Heartburn Treatment Center is associated with the Lynchburg General Hospital, which is also administered by Centra Health.
2. The Heartburn Treatment Center was contracted with Legato Medical Systems, Inc. ("Legato") on January 1, 2003. The Center utilizes an Internet-based integrated


healthcare delivery system provided by Legato to create patient plans of care, to schedule diagnostic procedures and store the results thereof, and to track patient follow up.

3. In the year prior to establishing the Heartburn Treatment, Lynchburg General Hospital performed two Nissen Fundoplication surgeries. From the Heartburn Treatment Center's start date through April, 2004, 29 surgical procedures have been performed.
4. In the year prior to establishing the center, 12 manometry procedures were performed. From January, 2003 through April, 2004, 66 manometry procedures were performed.
5. In the year prior to establishing the center, no PH studies were performed. From January, 2003 through April, 2004, 112 PH studies were performed.
6. The Heartburn Treatment Center has drawn patients from 38 communities including Lynchburg.
7. The Heartburn Treatment Center network has sixty referring physicians and health services groups.
8. The Heartburn Treatment Center has received 87 self-referrals from the as a result of recognition of the existence of the Heartburn Treatment Center.
9. There are 319 new patients listed in the Patient Relationship System.
10. In summary, Centra Health has experienced substantial commercial success attributable to the use of the Internet-based integrated healthcare delivery system.

Although Centra Health's financial data is confidential, the gains are obvious given the increase in procedures. For example, the 28 additional Nissen Fundoplication procedures performed since the advent of the Heartburn Treatment Center translate into substantial incremental new income for the hospital.

11. I hereby declare that all statements made hereby of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted,

  
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Chalmers M. Nunn, Jr., MD  
Senior VP/CMO

5/12/04  
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Date